REMARKS

By the present amendment, Claim 28 has been newly added. Claims 1-18, 20-24 and 28 remain pending in the application, with Claims 1, 9, 16, 18, 20, 22 and 28 being independent claims. Claims 1-18 and 20-24 are again rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chen (U.S. Patent Application Publication No. 2002/0181423 A1) in view of Leung (U.S. Patent Application Publication No. 2003/0087653 A1).

In the Advisory Action dated March 26, 2008 (the Advisory Action), the Examiner attached a copy of the PTO Form 1449 Applicants submitted with the Information Disclosure Statement (IDS) filed on January 2, 2008. However, the Examiner did not initial the references listed in "FOREIGN PATENT DOCUMENTS" section and the "OTHER PRIOR ART" section of the PTO Form 1449. Attached to this response is another copy of the PTO Form 1449 submitted with the IDS filed on January 2, 2008. Applicants respectfully request that the Examiner initial the documents listed in the "FOREIGN PATENT DOCUMENTS" section and the "OTHER PRIOR ART" section of the PTO Form 1449 and provide an initialed copy the attached PTO Form 1449 with the next communication to ensure that the prior art citations provided by Applicants have been duly considered.

In item 11 of the Advisory Action, the Examiner stated that "Leung was not relied upon to teach a bidirectional broadcast service, but to teach that the data is provided from a server" and "Leung discloses a broadcast service, and therefore can be used to modify the broadcast service of Chen to include the above stated functionality".

However, on page 4 of the Office Action mailed November 1, 2007 (the Final Office Action), the Examiner states that it would have been obvious to a person having ordinary skill in the art at the time the invention was made "to incorporate the teachings of Leung et al. with those of Chen et al. in order to provide the most effective use of network resources while providing broadcast content". Applicants respectfully submit that "the teachings" of Leung are expressly directed to a server in a wireless communication system configured to support a unidirectional

broadcast service, as stated in paragraph 35, and not a bi-directional communication system, as acknowledged by the Examiner.

Therefore, according to the Examiner, a skilled artisan would allegedly have been motivated to incorporate the server configured to support a unidirectional broadcast service, as taught by Leung, with the bi-directional communication system of Chen.

Applicants again respectfully submit that one skilled in the art at the time the invention was made, in the presence of Chen and Leung, would not be motivated to incorporate the Leung server configured to support a unidirectional broadcast service with the bi-directional communication system of Chen because such a modification would destroy the bi-directional communication system of Chen. It is well known that a *prima facie* case of obviousness over a claim cannot be made when modification of a primary reference by a secondary reference destroys the primary reference.

For at least these reasons, Applicants respectfully submit that Claims 1, 9, 16, 18-20 and 22 are allowable over Chen, Leung, or any combination thereof.

While not conceding the patentability of the dependent claims, *per se*, Claims 2-8, 10-15, 17, 21 and 23 are also allowable for at least the above reasons.

Applicants have added new independent Claim 28 that recites, in part, a method for providing an interactive data service between a base station and at least one mobile station in a mobile communication system including the at least one mobile station, the base station communicating with the at least one mobile station, and a server connected to the base station, the server providing data to the at least one mobile station, the method including transmitting, by the base station, data transmitted from the server that includes a segment indicator indicating a segment size of frames used for the data, to the at least one mobile station over a forward common channel all mobile stations can receive in common during the interactive data service; and transmitting reverse transmission data over a dedicated channel for data transmission, by a

serviced mobile station, receiving a service through the forward common channel during the interactive data service. Newly added Claim 28 is fully supported by the present applicant and introduces no new matter.

As the Examiner knows, Chen describes a method and apparatus for channel management for point-to-multipoint services in a communication system. Chen discusses the use of a forward common channel and assigned dedicated channels for mobile stations to transmit reverse transmission data. The Examiner relies on FIG. 1, the abstract, and paragraphs 13, 20, 39, 40 and 58 of Chen for satisfying various recitations of Claims 1, 9, 16, 18-20, 22 and 25. These areas of Chen merely discuss how each subscriber station belonging to a group is assigned a dedicated reverse channel during an active period, how user data and control data is modulated by an active subscriber station belonging to the group, and how control data on the dedicated reverse channel is modulated by passive subscriber stations belonging to the group. Chen expressly states, in paragraph 76, how signaling between a member station desiring to transmit and the system takes place on an assigned R-FCH or R-DCCH in accordance with the IS-2000 standards.

In other words, Chen nowhere suggests data transmitted from a server that includes a segment indicator indicating a segment size of frames used for the data, to a member subscriber station over a forward common channel all member subscriber stations can receive in common during the interactive data service, as recited in Claim 28.

As the Examiner also knows, Leung describes a method and apparatus for data packet transport in a wireless communication system using an internet protocol. Leung fails to supplement the deficiencies of Chen because Leung nowhere suggests data transmitted from a server that includes a segment indicator indicating a segment size of frames used for the data, to a member subscriber station over a forward common channel all member subscriber stations can receive in common during the interactive data service.

In contrast, a frame format is used that differs from the frame format used for a common assignment channel of the IS-2000 standard because the frame format used for the present

invention can distinguish both a 5ms and a 20ms message, as shown in TABLE 3 of the present invention.

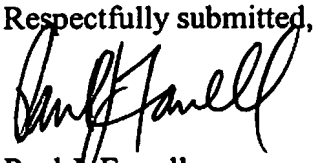
Therefore, the Examiner has failed to establish a *prima facie* case of obviousness for Claim 28 based on Chen, Leung, or any combination thereof.

More particularly, Chen, Leung, or any combination thereof, fails to teach or reasonably suggest transmitting, by the base station, data transmitted from the server that includes a segment indicator indicating a segment size of frames used for the data, to the at least one mobile station over a forward common channel all mobile stations can receive in common during the interactive data service; and transmitting reverse transmission data over a dedicated channel for data transmission, by a serviced mobile station, receiving a service through the forward common channel during the interactive data service, as recited in amended Claim 28.

Accordingly, Claim 28 is allowable over Chen, Leung, or any combination thereof.

Accordingly, all of the claims pending in the Application, namely, Claims 1-18, 20-24, and 28 are believed to be in condition for allowance. Early and favorable action is respectfully requested. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicants

THE FARRELL LAW FIRM
333 Earle Ovington Blvd., Suite 701
Uniondale, New York 11553
Tel: (516) 228-3565
Fax: (516) 228-8475
PJF/TCS/dr